

MEXICO BEACH, City of

CHARTER FILE

City Charter for City of Mexico Beach

Filed 1/7/85

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January 11, 1985

Messrs. Daniel, Komarek and Martinec
Attorneys at Law
315 East Fourth Street
Post Office Box 2522
Panama City, Florida 32402

Attention: Paul G. Komarek, Esquire

Gentlemen-

This will acknowledge your letter of January 3, 1985
and certified copy of City Charter of the Town of Mexico
Beach, which was filed in this office January 7, 1985.

Kindest regards.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative
Code and Laws

/lc

LAW OFFICES OF

DANIEL, KOMAREK & MARTINEC CHARTERED

ATTORNEYS AT LAW

315 EAST FOURTH STREET

MAIL ADDRESS: POST OFFICE BOX 2522

PANAMA CITY, FLORIDA 32402

(904) 763-6565

JOHN F. DANIEL
PAUL G. KOMAREK
RHONDA S. MARTINEC

January 3, 1985

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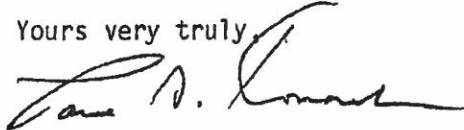
Secretary of State
State of Florida
The Capitol Building
Tallahassee, Florida 32301.

Re: City Charter of the Town of Mexico Beach

Dear Sir:

Please find enclosed a certified copy of the newly adopted City Charter of the Town of Mexico Beach. Please take appropriate measures for recording same in your records, and advise if there is any other State agency that should be contacted for perfecting the charter recordation procedure. Thank you very much for your cooperation.

Yours very truly,



Paul G. Komarek

PGK:rlk
Enclosure/as stated.

MUNICIPAL CHARTER
OF THE
CITY OF MEXICO BEACH, FLORIDA

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Article I BOUNDARIES AND POWERS

Section 1.01 Continuation of City.

The City of Mexico Beach, in Bay County, State of Florida, shall continue as a municipality under the laws of the State of Florida. A referendum amending the Charter of the City of Mexico Beach, Bay County, Florida, providing for and prescribing its government, jurisdiction, powers, duties, franchises and privileges; authorizing the imposition and limitations of penalties for the violation of its ordinances, providing for a transition from current Charter to the proposed Charter.

Section 1.02 Creation of City.

Let it hereby be known that the City of Mexico Beach, Bay County, Florida, was created by an act of the State of Florida legislature on June 22, 1967, House Bill #3012; and hereafter in this Charter all references to "City" said "City" shall mean and be taken and held to mean, and refer to, the City of Mexico Beach, Florida.

Section 1.03 Boundaries.

The territorial boundaries of the City of Mexico Beach shall be those presently existing and described as follows:

Begin at the Northwest corner of Fractional Section 23, Township 6 South, Range 12 West, and extend a line Easterly along the line between Sections 14 and 23 for one-half mile, more or less, to the Northeast corner of the West Half of said Fractional Section 23; then Southerly along the East line of said West half for one-half mile, more or less, to the Northwest corner of the Southeast Quarter of the aforesaid Fractional Section 23; thence Easterly along the North line of said Southeast Quarter for one-half mile, more or less, to the Northeast corner of said Southeast Quarter; then Southerly along the line between Sections 23 and 24 for one-quarter mile, more or less,

to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 24; thence Easterly along the South line of said Northwest Quarter of the Southwest Quarter for one-quarter mile, more or less, to the Southeast Corner of said Northwest Quarter of the Southwest Quarter; then Northerly along the East line of said Northwest Quarter of the Southwest Quarter for one-quarter mile, more or less, to the North line of the South one-half of the aforesaid Section 24; then Easterly along said North line of the South half for one-half mile, more or less, to the Northeast Corner of the Northwest Quarter of the Southeast Quarter; then Southerly along the East line of said Northwest Quarter of the Southeast Quarter for one-quarter mile, more or less, to the Southwest Corner of the Northeast Quarter of the Southeast Quarter; then Easterly along the South line of said Northeast Quarter of the Southeast Quarter for one-quarter mile, more or less, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of the aforesaid Section 24; thence Southerly along the East line of said Section 24 for one-quarter mile, more or less, to the Northeast Corner of Fractional Section 25; thence westerly along the line between Section 24 and Fractional Section 25 for one-quarter mile, more or less, to the Northeast Corner of the West Half of the East Half of said Fractional Section 25; then Southerly along the East line of the aforesaid West Half of the East Half for one-half mile, more or less, to the Northwest Corner of the Northeast Quarter of the Southeast Quarter; thence Easterly along the North line of said Northeast Quarter of the Southeast Quarter for one-quarter mile, more or less, to the Northeast Corner of said Southeast Quarter of Fractional Section 25; then Southerly along the East line of said Fractional Section 25 to a point on the mean high water line of the Gulf of Mexico; then South 45° West across the waters of the Gulf of Mexico for 1500 feet; thence turn right and extend a line Northwesterly that is parallel

to and 1500 feet Southwesterly of the mean high water line of the Gulf of Mexico to a point that is South 11° West and 1500 feet from the Southwest Corner of Mexico Beach, Unit No. 7; thence North 11° East for 1500 feet to the mean high water line of the Gulf of Mexico at said Southwest corner of Mexico Beach, Unit No. 7; then North 16° 40' East along the Western boundary line of said Mexico Beach, Unit No. 7 for 941 feet, more or less, to the North line of Fractional Section 22, Township 6 South, Range 12 West; thence Easterly along said line of Fractional Section 22 for one-half mile, more or less, to the point of beginning.

The above description embraces a part of Fractional Sections 22, 23, and 25; all of Fractional Section 26; a part of Section 24 and a 1500-foot wide portion of the Gulf of Mexico lying adjacent to the above described lands, all in Township 6 South, Range 12 West, Mexico Beach, Bay County, State of Florida.

Section 1.04 Powers.

A. The City shall have all powers granted municipalities under the constitution and general laws of the State of Florida and shall have implied and incidental powers to exercise the powers so granted.

B. The powers of the City, under this Charter, shall be construed liberally in favor of the City.

C. The City shall have perpetual succession and use a common seat.

State Law Reference - Intergovernmental Programs F.S. Ch 163

Municipal Home Rule Powers Act F.S. Ch 166

Section 1.05 Debts and Obligations Impaired.

No obligation or contracts of said City, including any bonds heretofore issued, shall be impaired or voided by this act; but all such debts and obligations shall continue unimpaired and pass to and be binding upon the municipality.

Article II CITY COUNCIL, MAYOR

Section 2.01 General Powers and Duties.

The City shall be governed by a Mayor-Council form of government. All powers of the City shall be vested in the City Council, hereinafter referred to as the Council, except as otherwise provided by law or by this Charter; and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 2.02 Composition, Qualifications and Terms of Office.

The Council shall consist of five (5) members, elected at large by the qualified voters of the City. They shall be qualified electors, citizens of the United States and shall have resided within the corporate limits of the City at least one (1) year prior to the date of their qualifying for office.

(A) Qualifying for Council Seat. Any qualified elector of the City who meets the foregoing qualifications may qualify for election to a Council seat by designating the group number for which he desires to run and by paying such filing fee as the City Council may prescribe to the City Clerk not less than thirty (30) days nor more than forty-five (45) days prior to the date of such election. Any such qualified elector who files a sworn statement with the City Clerk of inability to pay said filing fee and providing to the City Clerk a petition signed by fifty (50) qualified City electors within the above prescribed period may qualify for election to a Council seat without payment of said filing fee.

(B) Judge of Qualifications. The City Council shall have sole discretion in determining whether or not candidates have met the qualifications for election to the Council.

(C) Terms of Office. The terms of Council members shall be for two (2) years, which term of office shall begin on the first Monday in December following their election and until their successors are fully elected and qualified. The offices of the members of the City Council, including Mayor-Councilman, are hereby designated as groups 1, 2, 3, 4, and 5, all of said groups to be filled by candidates running-at-large. The mayor-councilman is designated as Group 1. The candidate receiving the highest number of votes cast in the respective group shall be declared elected.

Section 2.03 Schedule

(A) Initial composition of Council. The initial membership of the City Council shall consist of the five (5) members of the City Council of Mexico Beach who are in office holding said seats on the effective date of this revised and amended Charter.

(B) The term of office of each present Council member and his respective seat under this Charter shall expire:

GROUP 1: Upon the election of a successor in November,
1984 (Even Year)

GROUP 2: Upon the election of a successor in November,
1984 (Even Year)

GROUP 3: Upon the election of a successor in November,
1984 (Even Year)

GROUP 4: Upon the election of a successor in November,
1985 (Odd Year)

GROUP 5: Upon the election of a successor in November,
1985 (Odd Year)

(C) Effective date of Charter. This Charter shall take

effect upon its filing with the Department of State after adoption by a majority of the electors voting in a referendum thereon.

Section 2.04 Prohibitions.

Holding other office. Except where authorized by law, no Council member shall hold any other City office or City paid employment during the term of which he is elected to the Council.

Section 2.05 Organization and Selection of Certain Officers.

After each regular or special election for Council members, the Council shall meet and elect from among their number a Mayor pro-tem who shall perform the duties of such office for one (1) year or until his successor is duly elected and qualified.

Section 2.06 Vacancies; Forfeiture of Office.

(A) Vacancies. A vacancy in the Council shall occur upon the death, resignation or removal from office as authorized by law. When such vacancy occurs, the remaining Council members shall select, within thirty (30) days following the vacancy, by the affirmative vote of not less than three (3) of the remaining members, a person to fill the vacancy until the next regular election. At this election the seat shall be filled as provided herein for elections for the balance, if any, of the unexpired term. An appointee shall be a qualified elector of the City, a citizen of the United States, and have resided within the corporate limits of the City for at least one (1) year prior to the date of this appointment.

Whenever three (3) or more vacancies shall occur at the same time, the mayor shall, within thirty (30) days, call a special election to fill the vacancies. Such election shall be conducted in accordance with the procedures for elections. In no event shall the Council consist of more than two (2) members serving on an appointive basis.

(B) Forfeiture of office. A Council member shall forfeit his office if he lacks, at any time during his term of office, any qualification for the office prescribed by this Charter or by law or fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

Section 2.07 Mayor.

The mayor, elected as aforesaid, shall be a voting member of the Council and presiding officer. The mayor shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the city official to represent the City in all agreements with other governmental entities or certifications to other governmental entities. The mayor shall be the chief elected administrative and fiscal official for the City. The powers and duties of the mayor shall be such as conferred upon him by State Laws, this Charter and by the City Council.

Section 2.08 Mayor Pro-Tem.

The mayor pro-tem, appointed as aforesaid, shall perform the duties of the mayor in the event the office of mayor becomes vacant or the mayor is unable to perform any of his duties by reason of absence from the City or in the event of his incapacity. A new mayor pro-tem shall be appointed from among the remaining members of the Council in the event the office of mayor becomes vacant, until a new mayor is elected at the next regular election.

Section 2.09 Meetings and Procedures.

Meetings. The Council shall meet regularly the second Tuesday of each month and at such times as it may prescribe by resolution. Special meetings may be held on the call of the mayor or three (3) or more members

of the Council.

(B) Procedure. The Council shall determine its own rules and order of business and shall provide for keeping a minute book of its proceedings. The minute book shall be a public record.

(C) No action of the Council shall be valid or binding unless adopted or approved by the affirmative vote of majority of the members of the Council constituting a quorum when the action is introduced. A two-thirds ($2/3$) vote of the membership of the Council is required to enact an emergency ordinance. Voting on all ordinances, except on procedural motions, shall be by roll call and the ayes and nays recorded in the minute book.

Section 2.10 Action Requiring an Ordinance.

In addition to acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which (1) adopt or amend an administrative code; (2) establish a rule or regulation, a violation of which carries a penalty; (3) grant, renew, or extend a franchise; (4) set service or use charges for municipal services or grant administrative authority for such charges; (5) levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget; (6) authorize the borrowing of money; (7) convey or lease or authorize the conveyance or lease of any lands of the City; (8) amend or repeal any ordinance previously adopted.

Section 2.11 Adoption of Ordinances and Resolutions.

(A) Form. Every proposed ordinance or resolution shall be introduced in writing in the form required for final adoption and shall embrace but one subject, which shall be clearly stated in the title. Any ordinance which amends an existing ordinance shall set out in full the ordinance, sections or subsections to be amended. The enacting clause shall be "Be it Ordained by the City Council of Mexico Beach."

(B) Procedure. An ordinance may be introduced at any regular or special meeting of the Council in writing. Upon introduction of any ordinance a copy shall be distributed to each member and to the City Clerk and such other places as the Council may designate. Procedure for adoption shall be as prescribed in Florida Statutes.

(C) Effective Date. Except for emergency ordinances, all ordinances or resolutions passed by the Council by a majority vote shall become effective ten (10) days after passage or as otherwise provided therein or as set by law.

State Law Reference - Minimum requirements for adoption of ordinances and resolution.
F. S. 166.041

Section 2.12 Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances; but such ordinances may not levy taxes; grant, renew or extend a franchise; or set service or user charges for any municipal services.

(A) Form. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(B) Procedure. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of all Council members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.

(C) Effective date. Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the

ordinance.

(D) Repeal. Every emergency ordinance, except emergency appropriations, shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.13 Codes of Technical Regulations.

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances in Florida State Law.

Section 2.14 Signatures and Authentication.

It shall be the duty of the mayor and the City Clerk, or other person appointed by the Council, to sign the original copy of each ordinance or resolution upon its final passage. Said parties shall record in full, in a properly indexed book kept for this purpose and authenticated by his or her signature, this Charter and all ordinances and resolutions adopted by the Council. The original copy of all ordinances and resolutions shall be filed in the City's Official Ordinance Book.

Section 2.15 Codification.

The Council is authorized to provide for the preparation of a general codification of all City ordinances and resolutions of a general and permanent nature having the force and effect of law. The general codification shall be adopted by form, together with the Charter and any amendments thereto, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the City of Mexico Beach Code according to Florida Statutes or Florida Law. Copies of the code shall be furnished to City officers, placed in public offices for free public reference and made available for purchase by the public at cost, as fixed by the Council.

Section 2.16 Review.

All ordinances, resolutions and codes of technical regulations shall be reviewed on the fifth (5th) anniversary of their effective date.

Article III GENERAL ADMINISTRATION

Section 3.01 General Provisions.

(A) Creation of Departments. The Council may establish city departments, offices or agencies in addition to those created by this Charter as it deems necessary and may establish any position(s) necessary for operation of City services and may prescribe the duties and functions of all positions, departments, offices and agencies.

(B) Supervision. Except as otherwise provided in this Charter or by general law, the Council will be responsible for designating the position or individual responsible for the supervision and direction of each department, agency or office of the City.

Article IV FINANCIAL PROCEDURES

Section 4.01 Fiscal Year.

The fiscal year of the City shall begin on the first day of October and end the last day of September the following year.

Section 4.02 Submission of Budget.

On or before the first day of August of each year, or as otherwise required by law, the City Clerk or other officer designated by the Council shall submit to the Council a budget for the ensuing fiscal year.

Section 4.03 Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor or other designated officer deems desirable or the Council may require.

The total of proposed expenditures shall not exceed the total of estimated income.

Section 4.04 Council Action on Budget.

(A) The Council shall, by ordinance, adopt the budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the budget by this date, the Council, by resolution, may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of thirty (30) days and renewed by resolution each thirty (30) days with all items in it prorated accordingly until such time as the Council adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

(B) Supplemental Appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(C) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Clerk that the revenues available will be insufficient to meet the amount appropriated, this shall be reported to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her with recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one (1) or more appropriations.

(D) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency

appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(E) The Council, in accordance with general law, shall establish procedures, rules and regulations for formulation, hearings, public notice, amendments, revisions, adoption and administration of the budget.

Section 4.05 Public Records.

Copies of the budget and the capital program, as adopted, shall be public records and shall be made available to the public in the City Clerk's office.

Section 4.06 Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Section 4.07 Independent Audit.

The Council shall provide for an independent annual audit of all city accounts in accordance with the rules of the Auditor General of Florida, which shall include an annual examination of the financial position, the results of operations, and changes in fund balances of all the city funds for the year then ended in accordance with generally accepted auditing standards and may provide for such more frequent examinations as it deems necessary. Such examinations shall be made by a certified public accountant, or firm or such accountants having no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers.

A management letter shall be rendered by the examining auditor setting forth deficiencies, if any, disclosed by his examination and his

suggestions for improvements in internal controls. This letter shall be read at the next regularly scheduled council meeting after its receipt. A copy of this letter shall be filed with each copy of the audit report.

If the auditor for the State of Florida should perform such an examination and furnish such a letter, the council may accept them as satisfying the requirements of this section.

Section 4.08 Establishment of Boards and Committees.

The City Council has the authority to establish such Boards and Committees and appoint members thereto as may be necessary to meet the provisions of this Charter.

Article V NOMINATIONS AND ELECTIONS

State Law Reference - Electors and Elections. F.S. Title IX "The Florida Election Code"

Section 5.01 Electors.

Any person who is a resident of this city, who has qualified as an elector of the State, and who registers in the procedural manner prescribed by general law and ordinance of the city shall be an elector of the city.

State Law Reference - Similar provisions, F.S. 166.032

Section 5.02 Nonpartisan Elections.

All nominations and elections for the office of City Council shall be conducted on a nonpartisan basis without regard for political party affiliation. No designation of political party affiliation of any nominee shall appear on any campaign literature, nomination petition or ballot.

Section 5.03 Nominations.

Candidates for the office of City Council shall qualify for such office in the manner prescribed in this Charter.

and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 6.03 Petitions.

(A) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least twenty-five percent (25%) of the total number of qualified voters registered to vote at the last regular city election.

(B) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(C) Affidavit or Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he knows them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(D) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered.

Section 6.04 Procedure after Filing.

(A) Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in the above section. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition and additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (B) and (C) of the above section; and within five (5) days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (B) of this section within the time required, the Clerk shall promptly present his certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(B) Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council

shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(C) New Petition. A final determination of insufficiency shall not prejudice the filing of a new petition for the same purpose.

(D) Costs. The cost of checking the names on a petition against the list of registered voters shall be born by the petitioners' committee.

Section 6.05 Actions on Petitions.

(A) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner as stated in this charter or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a pro-initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(B) Submission to Voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one hundred eighty (180) days from the date of the final Council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except the Council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(C) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day pre-

ceeding the date scheduled for a vote of the city by filing with the City Clerk a request for withdrawal signed by at least two-thirds (2/3) of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and proceedings thereon shall be terminated.

Section 6.06 Results of Election.

(A) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

(B) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 6.07 Recall.

The qualified voters of the City shall have the power to remove from office any elected official of the City in accordance with the general laws of the state.

State Law Reference - Municipal Recall, F.S. 100.361

Article VII GENERAL PROVISIONS

Section 7.01 Separability.

If any provision of the Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter or its provisions to other persons or circumstances shall not be affected thereby.

Section 7.02 Conflicting Ordinances.

All ordinances insofar as they conflict with or are inconsistent with the provisions of this Charter shall be declared invalid and are hereby repealed.

Section 7.03 Continuation in Force of Nonconflicting Ordinances; Repeal of Uncodified Ordinances.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Section 7.04 Standards of Ethics.

The general laws of the state governing the standards of conduct of public officers and employees apply to all elected officials, public officers and employees of the city. In addition, the Council may, by ordinance, establish a code of ethics supplemental to general law for such officials, officers, and employees.

State Law Reference - Code of Ethics for Public Officers and Employees. F.S. 112.311. et.

Section 7.05 Per Diem and Traveling Expense of City Officers, Employees and Authorized Persons.

All officers or employees of the City of Mexico Beach shall be bound by the provisions of general law governing per diem and travel expenses.

State Law Reference - Per Diem and Traveling Expenses. F.S. 112.061.

Section 7.06 Purchases; Competitive Bids.

The Council may establish, by ordinance, a method of competitive bidding for purchases made by the City of Mexico Beach.

Section 7.07 State Law References; Inclusion in Charter.

Where not inconsistent or in conflict with specific provisions of this Charter, the general law of this state, and the state law references

in this Charter, shall be deemed to be a part of this Charter; and this City, its officers and employees shall be governed thereby.

Section 7.08 Charter Amendments and Revisions; Filing of Same with Original.

This Charter or any portion thereof may be amended or revised in accordance with the general laws of the State. Any amendments or revisions shall be filed together with the original of this Charter in the office of the City Clerk as provided herein.

State Law Reference - Charter Amendments. F.S. 166.031.

Section 7.09 Changes in Governing Law; Charter Amendments.

(A) Intent. It is the intent of this section to allow this Charter to be updated and amended should there occur changes in the law governing this Charter and the operation of this City. Then the City Council may, by ordinance, adopt, and codify such changes and include such changes in this Charter without referendum or vote of the electorate of this City.

State Law Reference - Charter Amendments. F.S. 166.031.

Article VIII TRANSITIONAL PROVISIONS

Section 8.01 Pending Matters.

All rights, claims, liabilities, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this revised and amended Charter, and in each case, shall be maintained, carried on, or dealt with by the city department, office or agency appropriate hereunder.

Section 8.02 Officers and Employees.

(A) Rights and Privileges Preserved. Nothing in this revised and amended Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or

employees at the time of its adoption.

(B) Continuanace of Office or Employment. At the time this revised and amended Charter takes effect if a city employee holds any office or position which can be abolished or ordered vacated hereunder, he shall continue in such office or position until the taking effect of some action authorized under a provision hereof directing that he vacate the office or position or that the office or position be abolished.

ORDINANCE NO. 468

AN ORDINANCE AMENDING ORDINANCE NO. 180 AND ALL RELATED ORDINANCES RELATING TO ELECTIONS AND TERMS OF OFFICE OF THE MAYOR AND CITY COUNCIL, PURSUANT TO A REFERENDUM UNDER CITY CHARTER SECTION 5.06 ELECTING TO AMEND CODE SECTIONS 33.01, 33.03, AND RELATED SECTIONS, SPECIFICALLY AMENDING THE CITY CHARTER TO ALTER THE GENERAL ELECTION DATES FROM THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF NOVEMBER IN ELECTION YEARS TO THE THIRD TUESDAY FOLLOWING THE THIRD MONDAY IN APRIL IN ELECTION YEARS; AMENDING ALL QUALIFYING DATES AND TIMES TO CONFORM TO THE ALTERED ELECTION DATE; AMENDING THE RUN-OFF DATE, SHOULD A RUN-OFF BE NECESSARY, TO THE THIRD TUESDAY AFTER THE THIRD MONDAY OF MAY FOLLOWING THE GENERAL ELECTION; TEMPORARILY AMENDING AND ALTERING THE TERMS OF THE MAYOR AND COUNCIL SO AS TO CONFORM THESE NEW ELECTION DATES TO SUCH TERMS BY EXTENDING THE TERMS FOR SIX MONTHS, INCLUDING THE PRESENT SITTING GROUPS 1,2, AND 3, AND THE NEWLY ELECTED GROUPS 4 AND 5, AS DECIDED BY THIS PRESENT ELECTION; AMENDING ALL OTHER ELECTION LAWS, FEES, QUALIFICATIONS, AND SCHEDULES TO BE MODIFIED, AS MAY BE NECESSARY TO CONFORM; REPEALING ALL ORDINANCES, CHARTER PROVISIONS AS A RESULT OF THE MAJORITY VOTE, OR PARTS OF ORDINANCES AND CHARTER PROVISIONS IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to City Charter Section 5.06 and Ordinance No. 463, the City of Mexico Beach, FL placed on the general ballot a referendum question to determine certain issues relating to election dates, terms, qualifications, and other related matters conforming its election periods to the Super Municipal Tuesday Elections in Bay County, FL;

WHEREAS, on November 4, 2003, the City of Mexico Beach, FL decided by an overwhelming majority vote of the public that the City Council shall adopt by ordinance a change to its Charter and Code relating to the scheduling of its general and run-off elections for its elected officials, namely the Mayor and Council, Groups 1 through 5;

WHEREAS, on November 4, 2003, the City of Mexico Beach decided by majority vote of the public that the City Council shall adopt by ordinance a change in the Mayor and Council terms for Groups 1 through 5 in the up-coming general election, presently sitting Groups 1, 2 and 3 terms to be extended and elected in the April 2005 general election, and Groups 4 and 5 to be elected in the November 2003 general election, extending all such specific terms for approximately six months, so that all terms will thereafter remain two-year terms as set forth in the City Charter or amended City Charter;

WHEREAS, on November 4, 2003, the City of Mexico Beach decided by majority vote of the public that the City Council shall adopt by ordinance all other necessary changes to the City election provisions so as to comply with the Super Municipal Tuesday Elections in Bay County, Florida;

WHEREAS, the City of Mexico Beach, FL has determined that it is in the best interest of the City that this ordinance be enacted;

NOW THEREFORE, be it ordained by the City Council of Mexico Beach, Florida that:

Section 1. Pursuant to the results of the November 4, 2003 Referendum, the City Council of Mexico Beach is hereby authorized to amend the City Charter and Code by ordinance, and does hereby amend said Charter and Code, to change the schedule of its general elections to the Third Tuesday in April following the Third Monday of each election year starting in April of 2005.

Section 2. Pursuant to the results of the November 4, 2003 Referendum, the terms of the elected officials presently serving in Groups 1 through 5 shall be temporarily extended approximately six months so as to conform to the new election schedule.

a. Specifically, the Group 1,2 and 3 terms will not expire in December of 2004 but will continue until expiration on the first Monday in June of 2005 following the April 2005 general election. Thereafter, the terms in Groups 1,2 and 3 shall be for two years.

b. The Group 4 and 5 terms, as newly elected in November of 2003, will not expire in December of 2005 but will continue until expiration on the first Monday in June 2006 following the April 2006 general election. Thereafter, the terms in Groups 4 and 5 shall be for two years.

c. Thereafter, all terms in Groups 1 through 5 shall be for two years and the terms shall begin on the first Monday of June following the General or Special Election by the City.

Section 3. Pursuant to the results of the November 4, 2003 Referendum, any required run-off election shall be held no later than the Tuesday immediately following the Third Monday in May following the General Election and no earlier than 14 days following the General Election.

Section 4. (Reserved)

Section 5. All ordinances or laws in the City of Mexico Beach, or parts thereof, in conflict with this ordinance shall be repealed upon passage of the ballot question and proposed ordinance contained therein.

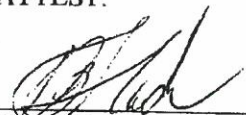
Section 6. This Ordinance shall become effective immediately upon passage.

INTRODUCED at a Regular Meeting on March 11, 2004, and ADOPTED at a Regular Meeting on April 13, 2004.


CITY OF MEXICO BEACH, FL


Mayor, Kathy Kingsland

ATTEST:


Clerk, Henry Flack

Approved As To Form:


City Attorney, Paul Komarek